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<i>Emily B Caudill</i>
REGULATIONS COMPILER

1 FINANCE AND ADMINISTRATION CABINET

2 Department of Revenue

3 (New Administrative Regulation)

4 103 KAR 5:230. Information to be provided by the sheriff when transferring delinquent
5 property tax bills to the county clerk.

6 RELATES TO: KRS 134.122

7 STATUTORY AUTHORITY: KRS 134.122(1)(b)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 134.122 requires the
9 Department of Revenue to promulgate an administrative regulation providing the criteria

10 for the information required to be provided by the sheriff when transferring delinquent
11 property tax bills to the county clerk. This administrative regulation provides a listing of
12 information to be included in those transfers.

13 Section 1. Each county sheriff shall transfer all delinquent property tax bills on real
14 and personal property to the county clerk as provided in KRS 134.122.

15 Section 2. (1) The sheriff and county clerk may mutually agree to a list of information
16 that is needed to ensure a successful electronic transfer of delinquent property tax data
17 from the sheriff's office to the county clerk's office by the date required in Section 1.

18 (2) If the sheriff and county clerk do not mutually agree on the information to be
19 provided electronically in the delinquent property tax data transfer, the following
20 demographic information shall be included in any electronic form utilized to transfer
21 delinquent tax bill data from the sheriff's office to the county clerk's office:

- 1 (a) Tax year;
- 2 (b) Tax bill number;
- 3 (c) Tax district;
- 4 (d) Taxpayer name;
- 5 (e) Street address;
- 6 (f) City, state and zip code;
- 7 (g) Property location address;
- 8 (h) Class of property;
- 9 (i) Assessed value of property;
- 10 (j) Applicable tax districts;
- 11 (k) Tax rates imposed by each tax district;
- 12 (l) Tax amount due each tax district;
- 13 (m) Total tax amount due;
- 14 (n) Total penalty amount due;
- 15 (o) Total sheriff's fee due;
- 16 (p) Total sheriff's commission due; and
- 17 (q) Grand total due at the time of transfer.
- 18 (3) The demographic information described above shall be transferred via an
- 19 electronic data file that is usable by any software vendor utilized by the sheriff or county
- 20 clerk.

103 KAR 5:230

APPROVED:

Daniel Bork
Daniel P. Bork, Commissioner
Department of Revenue
Finance and Administration Cabinet

Dec 11, 2017
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on January 24, 2018, at 1:00 p.m. in Room 11A, State Office Building, Frankfort KY 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through January 31, 2018. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Lisa Swiger, Tax Policy Research Consultant, Department of Revenue, 501 High Street, Station 1, Frankfort, Kentucky, 40601, (502)564-9526 (telephone), (502)564-3875(fax), Lisa.Swiger@ky.gov(email).

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation: 103 KAR 5:230
Contact Person: Lisa Swiger, Revenue Tax Policy Research Consultant
Office of Tax Policy & Regulation
e-mail: lisa.swiger@ky.gov
Phone: 502-564-9526

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for all software vendors who provide collection software to county clerks and sheriffs to ensure that all information needed for an accurate transfer of data between those offices can occur.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure that transfers of property tax information can occur in accordance with KRS 134.122.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing requirements for software vendors regarding property tax information that must transfer from a county sheriff to a county clerk electronically.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by ensuring that the electronic information transferred between a county sheriff and a county clerk contains the information needed to provide an accurate transfer of data.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation impacts all 120 Kentucky county sheriff and county clerk offices. It also impacts the half dozen or so vendors who provide collection software services to these offices.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: There will be no additional actions required of the sheriffs and county clerk's offices. All of the information

pertaining to each delinquent property tax bill is already contained in each software vendor's database. This information will need to be included in the electronic downloads from one software vendor to another when two different vendors service the sheriff and county clerk.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There should be no additional costs incurred since the information being transferred is already available in current software programs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): By complying with this regulation, accurate and complete information will be shared between software vendors so that each vendor can properly service their respective clients.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There should not be any costs associated with implementing this regulation either initially or on a continuing basis for the sheriffs or county clerks.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no cost to implement this regulation for the counties, therefore there is no need for a source of funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation will not establish or increase any fees.

(9) TIERING: Is tiering applied? (explain why or why not) No. Tiering is not applied as compliance with this administrative regulation applies equally to all 120 sheriffs and county clerks across the Commonwealth regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation: 103 KAR 5:230
Contact Person: Lisa Swiger, Revenue Tax Policy Research Consultant
Office of Tax Policy & Regulation
e-mail: lisa.swiger@ky.gov
Phone: 502-564-9526

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation affects all county sheriffs and county clerks across the Commonwealth of Kentucky.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS Chapter 134.122 requires the Department of Revenue to promulgate a regulation providing the content of information required to be provided by the county sheriff to the county clerk when filing a tax claim.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? There will be no additional revenue generated by promulgating this regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? There are no costs to the counties to administer the provisions of this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? There are no costs to the counties to administer the provisions of this administrative regulation on an ongoing basis.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation